

IN THE DISTRICT COURT OF THE UNITED STATES

MAY - 3 2002

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY DWAYNE THOMAS,

Defendant.

R. B. [Signature]
CLERK

CRIMINAL NO. 02-198 JC

PROPOSED FINDINGS OF FACT

COMES NOW the United States of America by and through its representatives, David C. Iglesias, United States Attorney for the District of New Mexico and Rhonda P. Backinoff, Assistant U.S. Attorney for said District and moves the Court for entry of the following proposed findings of fact. As grounds, therefore the United States would state as follows:

1. The defendant Anthony Dwayne Thomas was arrested on January 14, 2002 in Quay County, New Mexico.
2. A criminal complaint was filed on January 15, 2002. An order setting conditions of release was executed on January 17, 2002. An appearance bond was executed. (Exhibits A and B).
3. The conditions of release included a ten thousand dollar (\$10,000.00) unsecured bond combined with third party custody.
4. The defendant, Anthony Dwayne Thomas, has failed to comply with the conditions of his release.

5. At a hearing on the United States motion for an order to show cause, held on March 22, 2002 , before Chief U.S. Magistrate Judge William W. Deaton, Defendant Anthony Dwayne Thomas did not appear. The third party surety, Patricia Purnell appeared and testified. A transcript of the hearing of March 22, 2002 is attached as exhibit C.

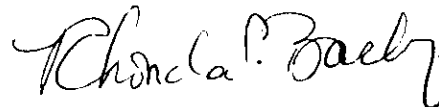
6. Based on the foregoing, the United States requests that the United States Magistrate Court enter findings of fact that the surety bond posted by third party custodian Patricia Purnell be exonerated

7. That the \$10,000.00 unsecured bond posted by defendant Anthony Dwayne Thomas be forfeited and judgment entered against Anthony Dwayne Thomas.

8. A proposed Declaration of Forfeiture and Judgment accompanies this motion.

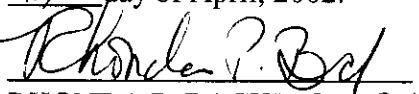
Respectfully submitted,

DAVID C. IGLESIAS
United States Attorney



RHONDA P. BACKINOFF
Assistant U.S. Attorney
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Albuquerque, NM 87103
(505) 346-7274

I HEREBY CERTIFY that a true copy of the foregoing pleading was mailed to opposing counsel of record, Alonzo Padilla, and third party custodian, Patricia Purnell, 1641 Whistler Terrace, Cumberland, Indiana 46229, this 30th day of April, 2002.



RHONDA P. BACKINOFF
Assistant U.S. Attorney

**THE EXHIBITS ATTACHED TO
THIS PLEADING ARE TOO
VOLUMINOUS TO SCAN. SAID
EXHIBITS ARE ATTACHED TO THE
ORIGINAL PLEADING IN THE CASE
FILE WHICH IS LOCATED IN THE
RECORDS DEPARTMENT, U.S.
DISTRICT COURT CLERK'S
OFFICE...**